

REMARKS

Applicants have carefully reviewed the non-final Office Action mailed on August 31, 2010. Applicants respectfully traverse (and do not concede) all objections, rejections, adverse statements, and adverse assertions made by the Examiner. Claims 1-4, 7-10, 13, 19-21 and 26-29 are pending in the application, with claims 26-27 being allowed and claims 1-4, 7-10, 13, 19-21 and 28-29 being rejected. With this amendment, claims 1 and 19 are amended. There is support for the claim amendments in the specification and drawings as originally filed, for example, at paragraph 0021 of the published application. No new matter is added. Claims 1-4, 7-10, 13, 19-21 and 26-29 are presented for examination.

Drawings Objections

The drawings are objected to for not showing various features. Applicants assert that the cited features are all present in the drawings as originally filed.

Due to the similarities in the groups of objections and rejections, Applicants address the drawings objections in the §112 rejections section below.

Withdrawal of the drawings objections is respectfully requested.

Specification Objections

The specification is objected to for not providing proper antecedent basis for various features. Applicants assert that the cited features are all present in the specification as originally filed.

Due to the similarities in the groups of objections and rejections, Applicants address the specification objections in the §112 rejections section below.

Withdrawal of the specification objections is respectfully requested.

Claim Rejections Under 35 U.S.C. §112

Claims 1-4, 7-10, 13 and 28-29 are rejected under 35 U.S.C. §112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the art that the inventor(s), at the time the application was filed, has possession of the claimed invention.

Regarding claim 1, the “interference fit structure” including “a first portion having an outer diameter” and “a second portion having an outer diameter difference from the outer diameter of the first portion” wherein “at least one of the first and second portions comprises a non-continuous ring having a gap between a first portion of the ring and a second portion of the ring” is considered by the Examiner to be new matter.

More specifically, the Examiner states that while there is support for the different diameters (for example, in FIGs. 6e, 6f and 6i) and support for the gap in the ring (for example, in FIGs. 7-7b), there is no support for combining the different diameters with a gap in the ring(s).

Applicants disagree with this assertion. Applicants assert that one of ordinary skill in the art would clearly understand that the teachings of FIGs. 7-7b, namely that a ring may include a gap, may be equally inherently applicable to all the rings disclosed in the application, including those disclosed in FIGs. 6e, 6f and 6i.

Applicants further assert that the manner in which the subject matter is described in the application is in accordance with typical drafting techniques. For a particular feature that is readily applicable to many different elements, one does not typically produce a second set of drawings for the elements, so that one drawing shows the feature and the other drawing does not show the feature. It is understood that such a feature may apply to the various elements, without the need for duplicating drawings and description, which would unnecessarily enlarge the application.

For instance, while FIG. 6e shows rounded channels 242' and 272 on a portion 246 without taper, and FIG. 6f shows rectangular channels 242 and 282 on a tapered portion 247, one of ordinary skill in the art would readily appreciate that rounded channels may be used on a tapered portion, without the need for an explicit drawing showing such.

In this case, it is readily understood from FIGs. 7-7b that a ring, in fact any ring disclosed in the application, may have a gap in it. It is therefore unnecessary to include drawings and text that show and describe each permutation of ring, both with and without a gap.

Claims 2-4 and 7-10 depend from claim 1, and as such, the same arguments for claim 1 may be used for claims 2-4 and 7-10 to show that it is unnecessary to include drawings and text that show and describe each permutation of ring, both with and without a gap.

Regarding claim 13, Applicants assert that the teachings of FIGs. 7-7b, namely that a ring may include a gap, are inherently applicable to the ring style of FIG. 6i. It is therefore unnecessary to include drawings and text that show and describe the ring of 6i both with and without a gap.

Regarding claims 28-29, Applicants assert that the teachings of FIGs. 7-7b, namely that a ring may include a gap, are inherently applicable to the ring style of FIG. 6j. It is therefore unnecessary to include drawings and text that show and describe the ring of 6j both with and without a gap.

Claims 1-4, 7-10, 13 and 28-29 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention.

Regarding claims 1-4, 7-10, 13 and 28-29, Applicants have amended claim 1 to correct an obvious error in antecedent basis. No new matter is added.

Withdrawal of the §112 rejections is respectfully requested.

Claim Rejections Under 35 U.S.C. §103

Claims 19-21 are rejected under 35 U.S.C. §103(a) as being unpatentable over McGlinch et al. in U.S. Patent No. 7,214,220 in view of Gadberry et al. in U.S. Patent No. 5,217,114 and further in view of Hebard in U.S. Patent No. 4,130,304.

Regarding claims 19-21, independent claim 19 is amended to recite “the circumferential interference fit member including a second material helically disposed about at least a part of the portion of the hub assembly including the first material” (emphasis added).

Instead, McGlinch appears to disclose interference fit elements formed as rings and/or as locking elements. Nothing in McGlinch appears to teach or disclose an interference fit element with material that is helically disposed, as recited in amended claim 19.

In the Office Action, Gadberry is relied on for teaching “a similar elongate medical device (12) suitable for packaging in a tubular member (23) with a circumferential IFM (65) disposed in a circumferential channel (64).”

In the Office Action, Hebard is relied on for teaching “an interference fit member (54) including a non-continuous ring (see split at 112) used as a frictional coupling mechanism for tubing.”

As such, neither Gadberry nor Hebard, taken alone or in combination, remedy the deficiencies of McGlinch in forming an obviousness rejection of amended independent claim 19.

Because claims 20-21 depend from claim 19, they are also patentable for the same reasons as claim 19 and because they add significant elements to distinguish them further from the art.

Claims 1-4, 7-10 and 13 are rejected under 35 U.S.C. §103(a) as being unpatentable over McGlinch et al. in U.S. Patent No. 7,214,220 in view of Gadberry et al. in U.S. Patent No. 5,217,114, in view of Strawn in U.S. Patent No. 3,307,552 and further in view of Hebard in U.S. Patent No. 4,130,304.

Regarding claims 1-4, 7-10 and 13, independent claim 1 is amended to recite “an interference fit structure including a second material helically disposed about at least a part of the portion of the hub assembly including the first material”.

For reasons similar to those presented for claim 19, Applicants assert that amended independent claim 1 is patentable over the combination of McGlinch, Gadberry and Hebard.

In the Office Action, Strawn is relied on for teaching tubular members having varying diameters. As such, Strawn cannot remedy the deficiencies of McGlinch, Gadberry and Hebard in forming an obviousness rejection of amended independent claim 1.

Because claims 2-4, 7-10 and 13 depend from claim 1, they are also patentable for the same reasons as claim 1 and because they add significant elements to distinguish them further from the art.

Withdrawal of the obviousness rejections is respectfully requested.

Double Patenting Rejections

Claims 1-4, 7-10, 13 and 19-21 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-7 of McGlinch et al. in U.S. Patent No. 7,214,220 in view of Gadberry et al. in U.S. Patent No. 5,217,114 and further in view of Hebard in U.S. Patent No. 4,130,304.

Applicants assert that the double patenting rejections are moot in view of the amendments to independent claims 1 and 19.

Claims 2-4, 7-10, 13 and 20-21 depend from independent claims 1 and 19. As such, Applicants further assert that the double patenting rejections of claims 2-4, 7-10, 13 and 20-21 are moot in view of the amendments to independent claims 1 and 19.

Withdrawal of the double patenting rejections is respectfully requested.

Allowable Subject Matter

Applicant thanks the Examiner for indicating that claims 26-27 are allowed.

Conclusion

Reconsideration and further examination of the rejections are respectfully requested. It is respectfully submitted that all pending claims are now in condition for allowance. Issuance of a Notice of Allowance in due course is requested. If a telephone conference might be of assistance, please contact the undersigned attorney at (612) 677-9050.

Respectfully submitted,

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By his Attorney,

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